

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868

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Date: May 8, 2008

To: Interested Person

From: Tim Heron, Land Use Services

503-823-7726 / theron@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-118230 DZ HVAC EQUIPMENT IN PARKING LOT AT OLD FEDERAL RESERVE BUILDING

GENERAL INFORMATION

Applicant: Dan Petrescu, Hennebery Eddy Architects

921 SW Washington Suite 250 / Portland, OR 97205

(503) 227-7860

Owner: John Kuhl, Harsch Investment Properties

851 SW 6th Ave Ste 550 / Portland, OR 97204

(503) 242-2900

Site Address: 915 SW STARK ST

Legal Description: EXC PT IN SW OAK ST LOT 1&2 BLOCK 861/2 LOT 3-6 BLOCK

861/2, PORTLAND

Tax Account No.: R667708970

State ID No.: 1N1E34CC 02800

Quarter Section: 3029

Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843. **Business District:** Downtown Retail Council, contact Portland Business Alliance at 503-

224-8684.

District Coalition: None

Plan District: Central City - Downtown

Zoning: Central Commercial with design overlay (CXd)

Case Type: Design Review (DZ)

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

Proposal: The applicant requests Design Review approval for heating, venting, and air conditioning (HVAC) equipment to be installed in the existing north parking lot of the old Federal Reserve Building, which is currently undergoing renovations and a penthouse addition (approved under LU 07-149484 DZ). Two HVAC units, each measuring approximately 3'-8" wide x 11'-0" long x 4'-0" tall, will be placed in the southwest corner of the north parking lot,

within an enclosed area approximately 17'-0" x 13'-5". Two painted louvered wood screen doors with pivoting castor wheels at the ends will provide access to the equipment, at the east side of the enclosure. The south and west sides of the enclosure will be comprised of an existing concrete wall. The north side will consist of a painted louvered wood screen wall with wood columns. The doors and the screen wall will be 6'-0" tall. When the penthouse addition to the building is completed, the proposed HVAC equipment will be re-located to the roof of the building. The screen wall will then be dismantled and removed.

The proposal is for alterations to a site located in the Central City Plan District; therefore Design Review is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

■ 33.825 Design Review

Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The existing 58,467 square-foot, four-story Federal Reserve Bank Building is located on the southeast corner of an oblique city block, at the intersection of two city grids. The block is bounded by SW 9th and 10th Avenues, SW Stark Street and SW Oak Street. It represents the only full parallelogram block in the City.

The existing 4-story building, designed by Pietro Belluschi in 1949, is constructed of a steel frame and cast-in-place concrete walls. The cladding is a tight skin of smooth black granite and white marble in a sleek International style. A rounded corner at the southeast highlights the block's oblique shape, while the remainder of the building features crisp lines and corners. The rounded corner has a run of exterior steps up to a landing and continues to another set of interior steps and is not ADA accessible. At the first floor are three part fixed windows, with operable, three part casement windows on the upper three floors.

Portland's Transportation System Plan (TSP) classifies SW Oak as a Traffic Access Street and Local Service Bikeway. SW 10th Avenue is classified as a Traffic Access Street, Transit Access Street, Central City Transit/ Pedestrian Street, Community Main Street, and Local Service Bikeway. SW Stark is a Traffic Access Street and Local Service Bikeway, and SW 9th is also classified as a Local Service Bikeway. The site is located in the Downtown Pedestrian District.

Zoning: The <u>Central Commercial (CX) zone</u> is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The <u>design (d) overlay zone</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate that prior land use reviews include the following:

■ <u>LU 07-149484 DZ:</u> Design review approval for the renovation of the existing 4-story building, including a 10,050 SF rooftop addition, renovations to the entry at the southeast corner, new main entrance connection and trellis at the SW corner, and landscaping improvements to the surface parking areas.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **April 4, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Transportation Engineering & Development;
- Urban Forestry Division of Portland Parks & Recreation; and
- Site Development Section of the Bureau of Development Services.

The <u>Bureau of Environmental Services</u> responded with the following comment. Please see Exhibit E.1 for additional details.

"BES has no objections to the proposed adjustments. Further development of the property would be subject to the Bureau of Environmental Services' standards and requirements during the building plan review process. The following comments have been provided for informational purposes and mainly relate to the building permit process:

Sanitary Services

There are existing City-owned combination sewers surrounding this site.

Stormwater Management & Water Resources

Stormwater runoff generated from proposed development must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review. For all projects, the Stormwater Destination/Disposal Hierarchy must be addressed (pages 1-18 and 1-19 of the Stormwater Management Manual). Free CD-ROM discs of the 2004 Stormwater Management Manual are available at the City of Portland Development Services Center, 1900 SW 4th Avenue or on the internet at www.portlandonline.com/bes/. The applicant may also contact BES with any questions or for additional information.

There is no City-owned storm-only sewer available to this property.

Conditions of Approval

BES has no recommended conditions of approval.

Building Permit Issues

Cooling towers with a recirculating system and industrial boilers require occasional or regular water discharges (blow down). Therefore, if this type of equipment will be installed or upgraded as part of the site improvements at the time of building permit application, the building plans will need to show a sanitary drain connected to the waste line which will provide a discharge location for the cooling tower or boiler blow down water."

The <u>Life Safety (Building Code) Section of the Bureau of Development Services</u> responded with the following comment. Please see Exhibit E.2 for additional details.

"The structure is enrolled in the Facilities Permits Program (FPP). Please contact the assigned Facilities plans examiner/building inspector for building code requirements. FPP main telephone number (503) 823-5521."

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **April 4, 2008**. No written comments in response to the proposal have been received from the neighborhood association (Downtown Community Association) or notified property owners.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design

district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d); therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines focus on four general categories. (A) Portland Personality addresses design issues and elements that reinforce and enhance Portland's character. (B) Pedestrian Emphasis addresses design issues and elements that contribute to a successful pedestrian environment. (C) Project Design addresses specific building characteristics and their relationships to the public environment. (D) Special Areas provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts are as follows:

- **1.** Encourage urban design excellence in the Central City;
- **2.** Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- **4.** Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- **7.** Provide for the humanization of the Central City through promotion of the arts;
- **8.** Assist in creating a 24-hour Central City that is safe, humane and prosperous; and
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings: This proposal will contribute to the renovation of the existing building on the site as approved through LU 07-149484 DZ. The previously approved case includes the addition of a penthouse level, which will accommodate HVAC equipment. However, the approved renovations to the existing building will be finished prior to the completion of the penthouse. Therefore, two HVAC units, intended for the penthouse level, will be placed at the southwest corner of the site's north parking lot. The intended temporary placement of the proposed units at this location will allow for the building to be used while the penthouse addition is being completed. *This guideline is therefore met*.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical

exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The proposal includes the placement of two HVAC units at the southwest corner of the site's north parking lot—approximately 60'-0" away from the sidewalk at SW Oak Street. The proposed units are approximately 4'-0" tall and will be screened from the south and west by and existing 9' tall concrete retaining wall. A 6'-0" tall wooden screen wall will conceal the units from the north, and two 6'-0" tall wood screen doors will conceal the units from the east. The proposed screening method and location of the units will limit their impact on the pedestrian. Furthermore, the proposal will allow for the building's internal needs to be met without detracting from the pedestrian environment. *This quideline is therefore met*.

- **C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.
- **C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- **C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2, C3, and C5: The proposed HVAC units and screen wall and doors consist of high-quality materials. The proposed screen wall and doors will be constructed of horizontal wood slats, mounted on a wood structural system. The wood slats will overlap in order to hide the equipment, but will still allow for air circulation. In addition, the proposed screens will be painted to match the adjacent concrete retaining wall. While the proposal utilizes building materials and design elements that promote quality development, the placement of the units and the related wood screens are intended to be temporary. Upon completion of the building's penthouse both units will likely be moved to the roof of the building and the wooden screen walls and doors will be dismantled and recycled.

With the Condition of Approval that at the time of relocation for the approved mechanical units to the rooftop penthouse, unless exempt per PZC 33.420.045.M –Rooftop Mechanical Units, Design Review will be required prior to installation, these guidelines are therefore met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of (2) two HVAC units, each measuring approximately 3'-8" wide x 11'-0" long x 4'-0" tall, placed in the southwest corner of the site's north parking lot, and a 6'-0" tall wooden screen enclosure;

Approval per Exhibits C.1 through C.5, signed and dated May 6, 2008, subject to the following conditions A-C:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-118230 DZ."
- B. At the time of relocation for the approved mechanical units to the rooftop penthouse, unless exempt per PZC 33.420.045.M –Rooftop Mechanical Units, Design Review will be required prior to installation.
- C. No field changes allowed.

Decision rendered by: ______ on May 6, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: May 8, 2008

Staff Planner: Tim Heron

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 26, 2008, and was determined to be complete on **April 1, 2008**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 26, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project

elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on May 22, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after May 23, 2008 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

• By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

• In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

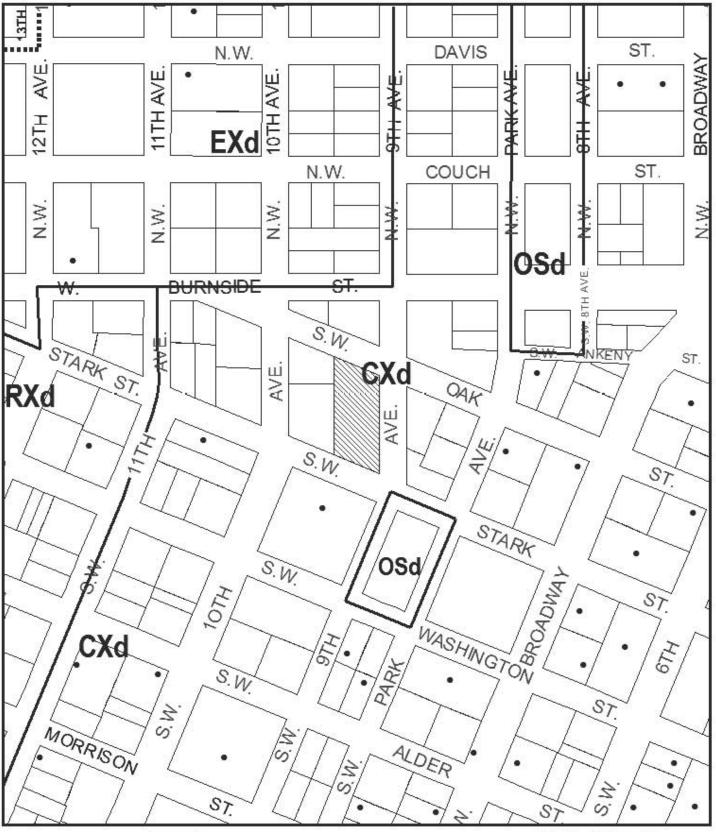
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Floor Plan Detail
 - 3. Sections & Elevations (attached)
 - 4. Screen Details
 - 5. HVAC Unit Dimensional Data
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Life Safety (Building Code) Section of the Bureau of Development Services
- F. Correspondence: None received.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



Historic Landmark



This site lies within the: CENTRAL CITY PLAN DISTRICT File No. LU 08-118230 DZ

1/4 Section 3029

Scale 1 inch = 200 feet

State_Id 1N1E34CC 2800

Exhibit B (Mar 27,2008)

